

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**ARC CONTROLS, INC.**

**PLAINTIFF**

**v.**

**CAUSE NO. 1:19CV391-LG-RPM**

**M/V NOR GOLIATH *in rem*, and GOLIATH  
OFFSHORE HOLDINGS,  
PTE. LTD., *in personam***

**DEFENDANTS**

*consolidated with*

**DAN BUNKERING  
(AMERICA) INC.**

**PLAINTIFF**

**v.**

**CAUSE NO. 1:19cv395-LG-RPM**

**NOR GOLIATH *in rem*;  
GOLIATH OFFSHORE  
HOLDING PRIVATE  
LIMITED *in personam*;  
EPIC COMPANIES,  
LLC *in personam*;  
EPIC APPLIED  
TECHNOLOGIES, LLC**

**DEFENDANTS**

**ORDER GRANTING DAN BUNKERING (AMERICA), INC.'S  
MOTION FOR VOLUNTARY DISMISSAL**

**BEFORE THE COURT** is the [535] Motion for Voluntary Dismissal Without Prejudice and with Full Reservation of Rights filed by Dan Bunkering (America), Inc. Dan Bunkering wishes to dismiss its Verified Complaint in Cause Number 1:19cv395-LG-RPM against Epic Companies, LLC, and Epic Applied Technologies, LLC (hereafter collectively referred to as “Epic”). Dan Bunkering’s Verified Complaint was consolidated with Cause Number 1:19cv391-LG-RPM on June 26,

2019. Dan Bunkering's claims against M/V NOR GOLIATH and Goliath Offshore Holding Private Limited were previously dismissed with prejudice. (Order, ECF No. 182).

Epic has not made an appearance in the above-captioned matter other than to file a [125] Notice of Suggestion of Bankruptcy and a [184] Notice of Automatic Stay & Interest in Property. Dan Bunkering seeks dismissal of its claims against Epic without prejudice to the assertion of the claims Dan Bunkering has assigned to Goliath in the Epic bankruptcy proceeding, Case Number 19-34752 in the United States Bankruptcy Court for the Southern District of Texas.

After reviewing the Motion, the record in this matter, and the applicable law, the Court finds that Dan Bunkering's Motion to Dismiss the remaining claims pending in its Verified Complaint should be granted. The dismissal is without prejudice to the assertion of the claims Dan Bunkering has assigned to Goliath in the Epic bankruptcy proceeding, Case Number 19-34752 in the United States Bankruptcy Court for the Southern District of Texas.

**IT IS THEREFORE ORDERED AND ADJUDGED** that the [535] Motion for Voluntary Dismissal Without Prejudice and with Full Reservation of Rights filed by Dan Bunkering (America) is **GRANTED**. Dan Bunkering's remaining claims in 1:19cv395-LG-RPM are hereby **DISMISSED WITHOUT PREJUDICE**

**SO ORDERED AND ADJUDGED** this the 27th day of May, 2022.

s/ *Louis Guirola, Jr.*  
Louis Guirola, Jr.  
United States District Judge